

Senate Study Bill 3143

SENATE FILE _____
BY (PROPOSED COMMITTEE ON
JUDICIARY BILL BY
CO=CHAIRPERSON MILLER)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to the possession of weapons and providing a
2 penalty.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
4 TLSB 6440SK 81
5 rh/sh/8

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1 1 Section 1. Section 724.6, subsection 1, Code 2005, is
1 2 amended to read as follows:
1 3 1. A person ~~may~~ shall be issued a permit to carry weapons
1 4 when the person's employment in a private investigation
1 5 business or private security business licensed under chapter
1 6 80A, or a person's employment as a peace officer, correctional
1 7 officer, security guard, bank messenger or other person
1 8 transporting property of a value requiring security, or in
1 9 police work, reasonably justifies that person going armed.
1 10 The permit shall be on a form prescribed and published by the
1 11 commissioner of public safety, shall identify the holder, and
1 12 shall state the nature of the employment requiring the holder
1 13 to go armed. A permit so issued, other than to a peace
1 14 officer, shall authorize the person to whom it is issued to go
1 15 armed anywhere in the state, only while engaged in the
1 16 employment, and while going to and from the place of the
1 17 employment. A permit issued to a certified peace officer
1 18 shall authorize that peace officer to go armed anywhere in the
1 19 state at all times. Permits shall expire twelve months after
1 20 the date when issued except that permits issued to peace
1 21 officers and correctional officers are valid through the
1 22 officer's period of employment unless otherwise canceled.
1 23 When the employment is terminated, the holder of the permit
1 24 shall surrender it to the ~~issuing officer~~ commissioner of
1 25 public safety for cancellation.

1 26 Sec. 2. Section 724.7, Code 2005, is amended to read as
1 27 follows:

1 28 724.7 NONPROFESSIONAL PERMIT TO CARRY WEAPONS.

1 29 Any person who can reasonably justify going armed ~~may~~ shall
1 30 be issued a nonprofessional permit to carry weapons. Such
1 31 permits shall be on a form prescribed and published by the
1 32 commissioner of public safety, which shall be readily
1 33 distinguishable from the professional permit, and shall
1 34 identify the holder thereof, and state the reason for the
1 35 issuance of the permit, and the limits of the authority
2 1 granted by such permit. All permits so issued shall be for a
2 2 ~~definite period as established by the issuing officer, but in~~
2 3 ~~no event shall exceed a period of twelve months~~ of three
2 4 years.

2 5 Sec. 3. Section 724.8, subsections 1 and 5, Code 2005, are
2 6 amended to read as follows:

2 7 1. The person is ~~eighteen~~ twenty-one years of age or
2 8 older.

2 9 5. The ~~issuing officer~~ commissioner of public safety
2 10 reasonably determines that the applicant does not constitute a
2 11 danger to any person.

2 12 Sec. 4. Section 724.9, Code 2005, is amended to read as
2 13 follows:

2 14 724.9 ~~FIREARM FIREARMS TRAINING PROGRAM PROGRAMS.~~

2 15 ~~A training program to qualify persons in the safe use of~~
2 16 ~~firearms shall be provided by the issuing officer of permits,~~

2 17 as provided in section 724.11.

2 18 1. The commissioner of public safety shall establish
2 19 minimum standards for a training program designed to qualify
2 20 persons in the safe use of firearms and shall include a course
2 21 of instruction designed to qualify a person on a firing range.
2 22 The program shall include at a minimum an eight-hour course of
2 23 instruction. The course of instruction shall include the
2 24 following topics:

2 25 a. Firearms safety in the classroom, at home, on the
2 26 firing range, and while carrying the firearm.

2 27 b. A physical demonstration performed by the applicant
2 28 that demonstrates the applicant's ability to safely load and
2 29 unload a revolver and a semiautomatic pistol and the
2 30 applicant's marksmanship.

2 31 c. The basic principles of marksmanship.

2 32 d. The law relating to firearms pursuant to chapter 724.

2 33 e. The law relating to the justifiable use of force
2 34 pursuant to chapter 704.

2 35 f. A live fire test administered to the applicant while in
3 1 the presence of a qualified firearms safety instructor as
3 2 defined in section 724.9B of twenty rounds from a standing
3 3 position or its equivalent at a distance from a B=27
3 4 silhouette target, or an equivalent target, of seven yards.

3 5 2. The commissioner of public safety shall approve the
3 6 training program, and the county sheriff or the commissioner
3 7 of public safety conducting the training program within their
3 8 respective jurisdictions may contract with a private
3 9 organization or use the services of other agencies, or may use
3 10 a combination of the two, to provide such a training program
3 11 that meets the minimum standards specified in subsection 1.

3 12 Any person eligible to be issued a permit to carry weapons may
3 13 enroll in such course. A fee sufficient to cover the cost of
3 14 the program may be charged to each person attending.

3 15 Certificates of completion, on a form prescribed and published
3 16 by the commissioner of public safety, shall be issued by a
3 17 qualified firearms safety instructor subject to the

3 18 restrictions of section 724.9A to each person who successfully
3 19 completes the program. No A person shall not be issued either
3 20 a professional or nonprofessional permit unless the person has
3 21 received a certificate of completion or is a certified peace
3 22 officer. No A peace officer or correctional officer, except a
3 23 certified peace officer, shall not go armed with a pistol or
3 24 revolver unless the officer has received a certificate of
3 25 completion, provided that this requirement shall not apply to
3 26 persons who are employed in this state as peace officers on
3 27 January 1, 1978 until July 1, 1978, or to peace officers of
3 28 other jurisdictions exercising their legal duties within this
3 29 state.

3 30 Sec. 5. NEW SECTION. 724.9A CERTIFICATE OF COMPLETION.

3 31 A qualified firearms safety instructor shall not issue a
3 32 certificate of completion to an applicant for a permit to
3 33 carry weapons who fails to do any of the following:

3 34 1. Follow the orders of the qualified firearms safety
3 35 instructor or the qualified firearms safety instructor's
4 1 designee.

4 2 2. Handle a firearm in a manner that, in the judgment of
4 3 the qualified firearms safety instructor, poses a danger to
4 4 the applicant or others.

4 5 3. During the live fire testing portion of the training
4 6 program, fails to hit the silhouette portion of the targets
4 7 with at least fifteen rounds.

4 8 Sec. 6. NEW SECTION. 724.9B QUALIFIED FIREARMS SAFETY
4 9 INSTRUCTOR.

4 10 A firearms safety instructor shall be considered to be a
4 11 qualified firearms safety instructor if the instructor has any
4 12 of the following qualifications:

4 13 1. Is a valid firearms safety instructor certified by the
4 14 national rifle association holding a rating as a personal
4 15 protection instructor or pistol marksmanship instructor.

4 16 2. Submits a photocopy of a certificate of completion of a
4 17 firearms safety instructor course offered by a local, state,
4 18 or federal governmental agency.

4 19 3. Submits a photocopy of a certificate of completion of a
4 20 firearms safety instructor course approved by the department
4 21 of public safety.

4 22 4. Has successfully completed a firearms safety instructor
4 23 course given by or under the supervision of any state, county,
4 24 municipal, or federal law enforcement agency.

4 25 5. Is a certified police officer firearms safety
4 26 instructor.

4 27 6. Is a certified law enforcement academy firearms safety

4 28 instructor.

4 29 Sec. 7. Section 724.11, Code 2005, is amended to read as
4 30 follows:

4 31 724.11 ISSUANCE OF PERMIT TO CARRY WEAPONS.

4 32 Applications for permits to carry weapons shall be made to
4 33 ~~the sheriff of the county in which the applicant resides.~~

~~4 34 Applications from persons who are nonresidents of the state,~~

~~4 35 or whose need to go armed arises out of employment by the~~

~~5 1 state, shall be made to the commissioner of public safety. In~~

~~5 2 either case, the The issuance of the permit shall be by and at~~

~~5 3 the discretion of the sheriff or commissioner, who shall,~~

~~5 4 before issuing the permit, determine that give notice of an~~

~~5 5 application to the sheriff of the county where the applicant~~

~~5 6 resides to allow the sheriff to provide any relevant~~

~~5 7 information concerning the applicant to the commissioner. The~~

~~5 8 commissioner shall issue the permit after determining the~~

~~5 9 requirements of sections 724.6 to 724.10 have been satisfied.~~

~~5 10 However, the The training program requirements in section~~

~~5 11 724.9 may be waived for renewal permits. The issuing officer~~

~~5 12 commissioner shall collect a fee of ten thirty dollars, except~~

~~5 13 from a duly appointed peace officer or correctional officer,~~

~~5 14 for each permit issued. Renewal permits or duplicate permits~~

~~5 15 shall be issued for a fee of five dollars. The issuing~~

~~5 16 officer shall notify the commissioner of public safety shall~~

~~5 17 keep a monthly record of the issuance of any permit at least~~

~~5 18 monthly and forward to the commissioner an amount equal to and~~

~~5 19 shall collect an additional fee of two dollars for each permit~~

~~5 20 issued and one dollar for each renewal or duplicate permit~~

~~5 21 issued. All such fees received by the commissioner shall be~~

~~5 22 paid to the treasurer of state and deposited in the operating~~

~~5 23 account of the department of public safety to offset the cost~~

~~5 24 of administering this chapter. Any unspent balance as of June~~

~~5 25 30 of each year shall revert to the general fund as provided~~

~~5 26 by section 8.33.~~

5 27 Sec. 8. NEW SECTION. 724.11A RECIPROCITY.

5 28 A person possessing a valid out-of-state permit to carry a

5 29 weapon shall be entitled to the privileges and subject to the

5 30 restrictions prescribed by this chapter provided that the law

5 31 of the state that issued the license is at least as

5 32 restrictive as the provisions of this chapter and the state

5 33 that issued the license recognizes weapons permits issued in

5 34 Iowa.

5 35 Sec. 9. Section 724.13, Code 2005, is amended to read as
6 1 follows:

6 2 724.13 REVOCATION OF PERMIT TO CARRY WEAPONS.

6 3 The ~~issuing officer~~ commissioner of public safety may

6 4 revoke any permit to carry weapons when the ~~officer~~

6 5 commissioner learns that any of the conditions required for

6 6 the issuance of that permit as stated in sections 724.6 to

6 7 724.10 have ceased to exist, or when the ~~officer~~ commissioner

6 8 learns that that permit was improperly issued. When the

6 9 ~~issuing officer~~ commissioner revokes a permit, the ~~officer~~

6 10 commissioner shall notify the permit holder of such revocation

6 11 on a form prescribed and published by the ~~commissioner of~~

~~6 12 public safety, and shall forward a copy of the form to the~~

~~6 13 commissioner of public safety commissioner's office.~~ From the

6 14 time the permit holder receives notice of revocation, the

6 15 permit shall cease to have any force or effect. Permit

6 16 revocations may be reviewed by writ of certiorari.

6 17 Sec. 10. NEW SECTION. 724.13A IMMUNITY.

6 18 The commissioner of public safety shall not be liable for

6 19 damages in any civil action arising from the alleged wrongful

6 20 issuance, renewal, or failure to revoke a permit to carry

6 21 weapons provided that the commissioner acted in good faith and

6 22 without malice in carrying out the commissioner's official

6 23 duties.

6 24 Sec. 11. Section 724.26, Code 2005, is amended to read as
6 25 follows:

6 26 724.26 POSSESSION, RECEIPT, TRANSPORTATION, OR DOMINION

6 27 AND CONTROL OF FIREARMS AND OFFENSIVE WEAPONS BY FELONS AND

~~6 28 OTHERS.~~

6 29 1. A person who is convicted of a felony in a state or
6 30 federal court, or who is adjudicated delinquent on the basis
6 31 of conduct that would constitute a felony if committed by an
6 32 adult, and who knowingly has under the person's dominion and
6 33 control or possession, receives, or transports or causes to be
6 34 transported a firearm or offensive weapon is guilty of a class
6 35 "D" felony.

7 1 2. A person who is subject to a protective order under 18

7 2 U.S.C. } 922(g)(8) or who has been convicted of a misdemeanor

7 3 crime of domestic violence under 18 U.S.C. } 922(g)(9), and

7 4 who knowingly sells, disposes of, possesses, ships,
7 5 transports, or receives a firearm or offensive weapon, is
7 6 guilty of a class "D" felony. Such a person shall not be
7 7 eligible to obtain a permit under this chapter and any permits
7 8 issued to such a person are deemed revoked.
7 9 3. Except as provided in section 809A.17, subsection 5,
7 10 paragraph "b", a firearm or offensive weapon seized under this
7 11 section shall be disposed of in any of the following ways:
7 12 a. Held as evidence if used or intended to be used in any
7 13 manner or part to facilitate conduct giving rise to a
7 14 violation described in subsection 2.
7 15 b. Transferred to the custody of a qualified person in
7 16 this state, as determined by the court. The qualified person
7 17 shall not reside in the home of a person found guilty of an
7 18 offense under this section and must be able to lawfully
7 19 possess a firearm or offensive weapon in this state.
7 20 c. Stored by the county sheriff. The court shall assess
7 21 the defendant, in addition to any penalty, a fee of fifty
7 22 dollars plus the cost of any other expenses for storing the
7 23 firearm or offensive weapon, payable to the county sheriff's
7 24 office.

7 25 EXPLANATION

7 26 This bill relates to the issuance of weapons permits.

7 27 Current law provides that a county sheriff in the county in
7 28 which an applicant for a weapons permit resides, or the
7 29 commissioner of public safety if the applicant is a
7 30 nonresident of the state, has discretion in determining
7 31 whether or not to issue a concealed weapons permit to an
7 32 applicant after the sheriff or the commissioner determines the
7 33 applicant meets certain requirements. The bill eliminates
7 34 that discretion and provides that the commissioner of public
7 35 safety and not the sheriff of the county in which the
8 1 applicant for a permit to carry weapons resides shall issue a
8 2 permit to carry weapons upon determining that the requirements
8 3 have been satisfied. The bill allows the sheriff in the
8 4 county in which an applicant resides to submit any relevant
8 5 information concerning the applicant.

8 6 The bill changes the fee for a permit to carry weapons from
8 7 \$10 to \$30.

8 8 The bill provides that a nonprofessional permit to carry
8 9 weapons shall be issued for a three-year period. Current law
8 10 allows the permit to be issued for a period determined by the
8 11 commissioner of public safety or the sheriff not to exceed one
8 12 year.

8 13 The bill changes the eligible age for an applicant for a
8 14 permit to carry weapons from 18 to 21 years of age.

8 15 The bill amends current law relating to a firearms training
8 16 program. The bill provides that the commissioner of public
8 17 safety shall establish minimum firearms safety standards. The
8 18 bill specifies that the commissioner of public safety shall
8 19 establish certain minimum training standards relating to the
8 20 qualifications of persons in the safe use of firearms and
8 21 shall include a course of instruction designed to qualify a
8 22 person on a firing range.

8 23 The bill provides that a qualified firearms safety
8 24 instructor shall issue a certificate of completion to a person
8 25 who successfully completes the training program, including
8 26 certain specific requirements relating to live fire ammunition
8 27 testing on a firing range. The bill specifically provides
8 28 that a person who does not follow the orders of the qualified
8 29 firearms safety instructor, handles a firearm in a manner that
8 30 poses a danger to the applicant or others, or who, during the
8 31 live fire testing portion of the training program, fails to
8 32 hit the silhouette portion of the targets with at least 15
8 33 rounds, shall not be issued a certificate of completion.
8 34 Under the bill, an applicant for a permit to carry weapons
8 35 shall not be issued a permit to carry weapons unless the
9 1 applicant has received a certificate of completion or is a
9 2 certified peace officer.

9 3 The bill defines a qualified firearms safety instructor as
9 4 a person who meets any of the following qualifications:

9 5 1. Is a valid firearms safety instructor certified by the
9 6 national rifle association holding a rating as a personal
9 7 protection instructor or pistol marksmanship instructor.

9 8 2. Submits a photocopy of a certificate of completion of a
9 9 firearms safety instructor course offered by a local, state,
9 10 or federal governmental agency.

9 11 3. Submits a photocopy of a certificate of completion of a
9 12 firearms safety instructor course approved by the department
9 13 of public safety.

9 14 4. Has successfully completed a firearms safety instructor

9 15 course given by or under the supervision of any state, county,
9 16 municipal, or federal law enforcement agency.
9 17 5. Is a certified police officer firearms safety
9 18 instructor.
9 19 6. Is a certified law enforcement academy firearms safety
9 20 instructor.
9 21 The bill provides that a person possessing a valid out-of=
9 22 state permit to carry a weapon shall be entitled to the
9 23 privileges and subject to the restrictions prescribed by this
9 24 chapter provided that the law of the state that issued the
9 25 license is at least as restrictive as the provisions of this
9 26 chapter and the state that issued the license recognizes
9 27 weapons permits issued in Iowa.
9 28 The bill provides that the commissioner of public safety
9 29 shall not be liable for damages in any civil action arising
9 30 from the alleged wrongful issuance, renewal, or failure to
9 31 revoke a permit to carry weapons provided that the
9 32 commissioner acted in good faith and without malice in
9 33 carrying out the commissioner's official duties.
9 34 The bill amends Code section 724.26 to prohibit the knowing
9 35 sale, disposal, possession, shipment, transportation, or
10 1 receipt of a firearm or offensive weapon by a person who is
10 2 the subject of a protective order under 18 U.S.C. } 922(g)(8)
10 3 or by a person who has been convicted of a misdemeanor crime
10 4 of domestic violence under 18 U.S.C. } 922(g)(9).
10 5 Violation of the prohibition is a class "D" felony. A
10 6 class "D" felony is punishable by confinement for no more than
10 7 five years and a fine of at least \$750 but not more than
10 8 \$7,500. Such a person shall not be eligible to obtain a
10 9 permit to carry weapons or a permit to acquire pistols or
10 10 revolvers.
10 11 The bill further provides that unless a forfeiture
10 12 proceeding has been initiated, a firearm or offensive weapon
10 13 seized under this bill and Code section 724.26 shall be
10 14 disposed of in any one of the following ways:
10 15 1. Held in evidence if the firearm or offensive weapon was
10 16 used or intended to be used in any part to facilitate conduct
10 17 giving rise to any of the delineated violations.
10 18 2. Transferred to a person who does not live with the
10 19 offender and who is qualified in Iowa to possess a firearm or
10 20 offensive weapon, as determined by the court.
10 21 3. Stored by the county sheriff. The court shall assess
10 22 the defendant, in addition to any other penalty, a fee of \$50
10 23 plus the costs of any other expenses to cover storage costs.
10 24 LSB 6440SK 81
10 25 rh:rj/sh/8